

REMARKS

The Office Action of September 16, 2005 has been studied in detail along with the references applied and cited by the Examiner. In response, selected claims have been amended (claims 1 and 7). The pending claims should be read in conjunction with the accompanying arguments in support of patentability. Further examination and reconsideration of the application as amended are respectfully requested.

THE OFFICE ACTION

The drawing sheets filed on August 27, 2003 were objected to by the Examiner.

Claims 1, 2, 5, and 7 were rejected under 35 USC 102(b) as being anticipated by Cockman (US 4,923,165).

Claims 3 and 4 were rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Cockman.

Claims 6 and 8 were rejected under 35 USC 103(a) as being unpatentable over Cockman in view of Beard (US 4,645,168).

Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Cockman in view of Beard and further in view of Lloyd et al. (US 5,129,613).

DRAWINGS

Corrected drawing sheets are being submitted with this Amendment. The corrected drawing sheets have been labeled as 'Replacement Sheets'. In addition, annotated drawing sheets have been included showing the changes made and are labeled as "Annotated Sheets".

REJECTIONS UNDER 35 USC 102(b)

The Examiner rejected claims 1, 2, 5, and 7 under 35 USC 102(b) as being anticipated by Cockman. It was stated in the Office Action that Cockman discloses a ground anchor assembly comprising a first part and a second part. The first part (D) having a head portion (16, 50) adapted to be pounded into the ground.

To the contrary, the ground anchor assembly of Cockman is adapted to be screwed into the ground. Cockman discloses an elongated shank (10) and **auger**

means in the form of at least two **auger blades** (12) carried near the **boring end** (14). If the Cockman assembly were to be pounded (i.e. hammered) into the ground, the auger blades would not function properly and would likely be severely bent or broken. The thin elongate shank (10) might also be damaged. Furthermore, the entire disclosure of Cockman relates specifically to ground anchors which are rotationally drilled into the ground (i.e. Fig. 4), and methods for overcoming the loosening of the soil that this creates. There is no mention of anchors which are pounded, or otherwise forcibly driven into the ground, which generally do not create the problematic loosening of the surrounding soil.

In contrast, independent claims 1 and 7 recite an anchor assembly having a first part adapted to be pounded into the ground. In this manner, the pounding of the first part into the soil simply compresses the surrounding soil. It is submitted that independent claims 1 and 7 are not anticipated nor made obvious by Cockman for at least these reasons.

In addition, claim 1 has been amended and now recites “. . . , the second part comprising a first wall to which a road post can be attached and a second wall which comprises a tongue member and which can be inserted into the slot on the first part to attach the first part to the second part, wherein the second part can be quickly detached and reattached to the first part with a firm blow”. Claim 7 has been amended and now recites “. . . the first part including a slot, the tongue member being receivable in the slot to ~~releasably attach~~ enable the second part to be quickly attached to and detached from the first part with a firm blow”.

As amended, claims 1 and 7 recite a second part that can be quickly attached and detached from the first part by a hard blow on the second part. This allows the second part to be removed from the first part at substantially ground level. With the second part detached, the area around the first part can be mowed without there being any projection above the ground (refer to page 6, lines 14-32).

Cockman does not teach nor suggest a second part being quickly and easily separable from the first part to allow mowers to mow directly over the top of the “in-ground” first part. In particular, the brackets (26) in Cockman which hold the post are fixed permanently in place by nails or other fasteners which secure the post to the

brackets (Fig. 2). Thus, using the device of Cockman, in order to mow directly over the top of the "in-ground" part, the fasteners would need to be removed and the post and the brackets would then need to be separated. This would require the use of tools as well as significant time and effort. The device in Cockman is not designed to allow the second part to be quickly and repeatedly detached and reattached.

Consequently, independent claims 1 and 7, and all claims dependent therefrom, are not taught nor made obvious by Cockman.

REJECTIONS UNDER 35 USC 103(a)

The Examiner rejected claims 6 and 8 under 35 USC 103(a) as being unpatentable over Cockman in view of Beard (US 4,645,168).

Dependent claims 6 and 8 provide further limitations to independent claims 1 and 7, respectfully, and further distinguish from the cited references. The arguments discussed above regarding Cockman are equally appropriate here. Furthermore, combining Cockman with Beard, though not suggested, would not result in applicant's claimed device. Beard provides two inserts (19) and (21) to which an adhesive can be applied when attaching the base (10) to a road surface (column 3, lines 3-5). As such, Beard pertains to "markers and, more particularly, to the base plate on which upright markers are mounted for placement along the roadside". Thus, Beard relies on a mounting base attachable to the road surface and also includes an upright member (12), or pedestal (202), mounted with hardware to the base. Specifically, Beard discloses "bolt (30) is operable to hold the upright member (12) in an upright position" (column 3, lines 44-45).

The limitations of claims 1 and 7 and claims 6 and 8 dependent therefrom, are neither taught, suggested nor made obvious by Cockman or Beard, either singly or in combination. In fact, no ground anchor assembly having a first part adapted to be pounded into the ground is disclosed by either reference. Beard teaches away from Cockman by describing a base adhesively mounted to a road surface without any type of "ground" anchor.

The Examiner next rejected claim 9 under 35 USC 103(a) as being unpatentable over Cockman in view of Beard and further in view of Lloyd et al. (US 5,129,613).

As discussed above, Beard teaches away from Cockman. Combining Cockman, Beard and Lloyd et al., though not suggested, would not result in a first part pounded into the ground, wherein a second part can be quickly attached to and detached from the first part with a firm blow; and, including locking fingers on the first part or second part.

Consequently, independent claims 1 and 7, and all claims dependent therefrom, are not taught not made obvious by Cockman, Beard, or Lloyd, either singly or in combination. Thus, all of the pending claims are patentable over the applied combination of references, as well as the remainder of the recited art.

All formal and informal matters having been addressed, this application is in condition for allowance. Early notice to that effect is solicited.

Respectfully submitted,
FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP

Date 13 Mar 2006

By Jay F. Moldovanyi
Jay F. Moldovanyi, Reg. No. 29,678
1100 Superior Avenue, Suite 700
Cleveland, OH 44114-2518
(216) 861-5582

CERTIFICATE OF MAILING

I hereby certify that the foregoing Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of March, 2006.

By Adeline Machado
Adeline Machado

N:\CULZ\200006\KWHAMENDMNT.doc

ANNOTATED SHEET

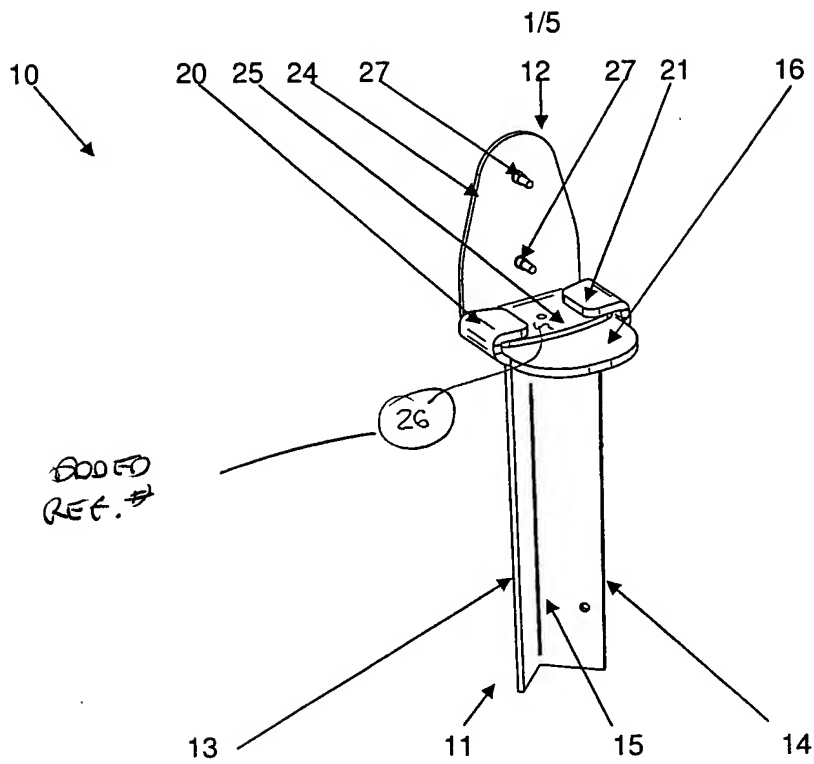


FIG 1

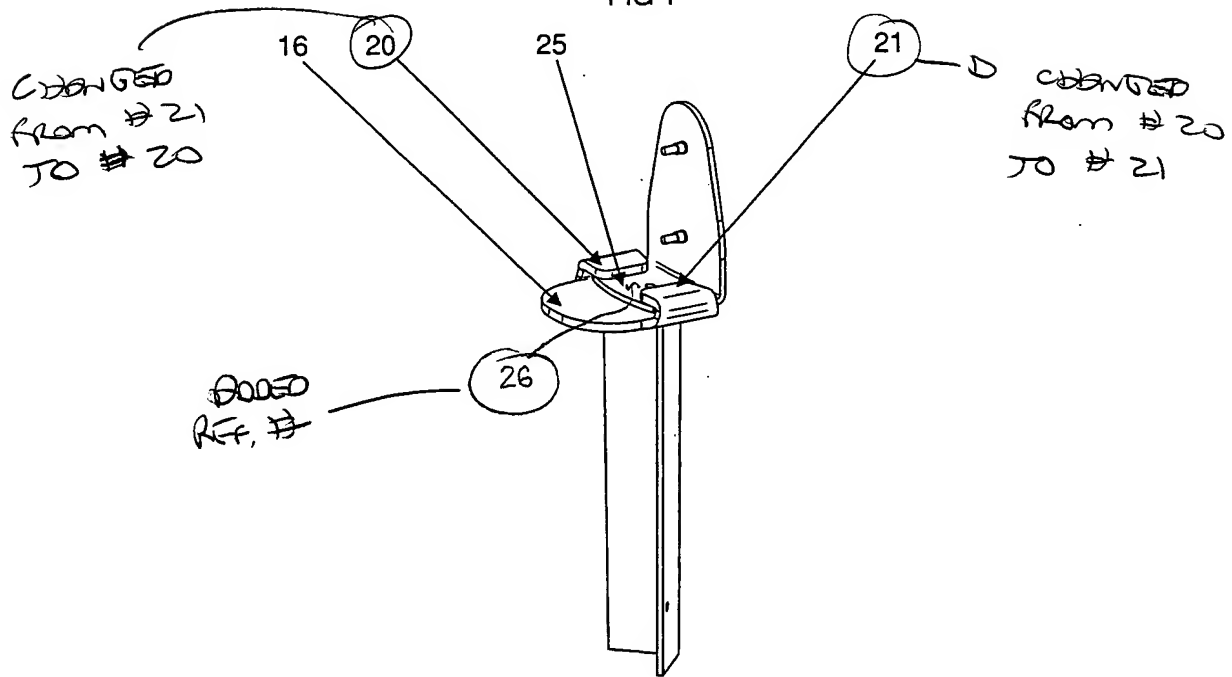


FIG 2

2/5

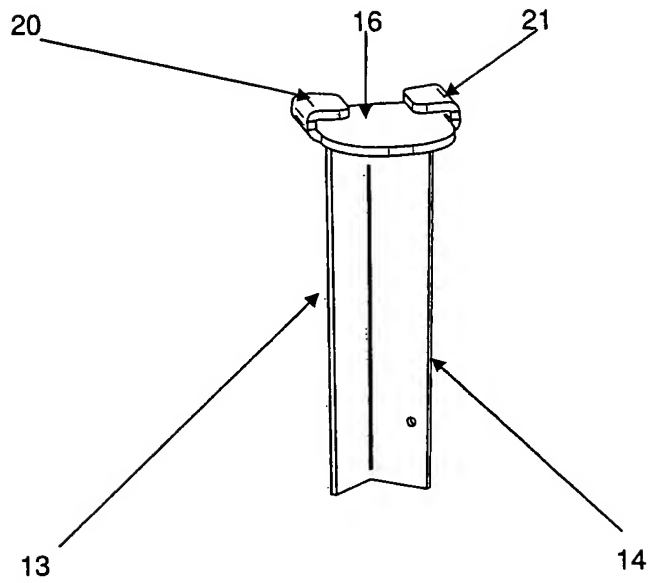


FIG 3

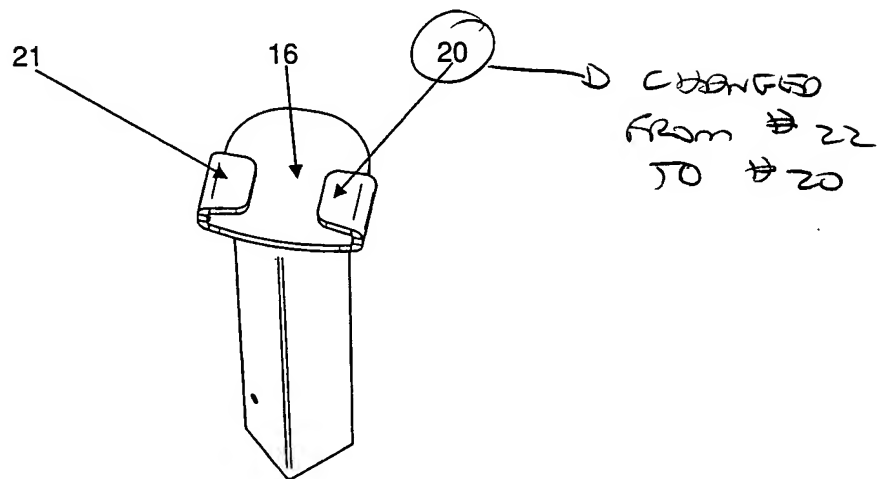


FIG 4

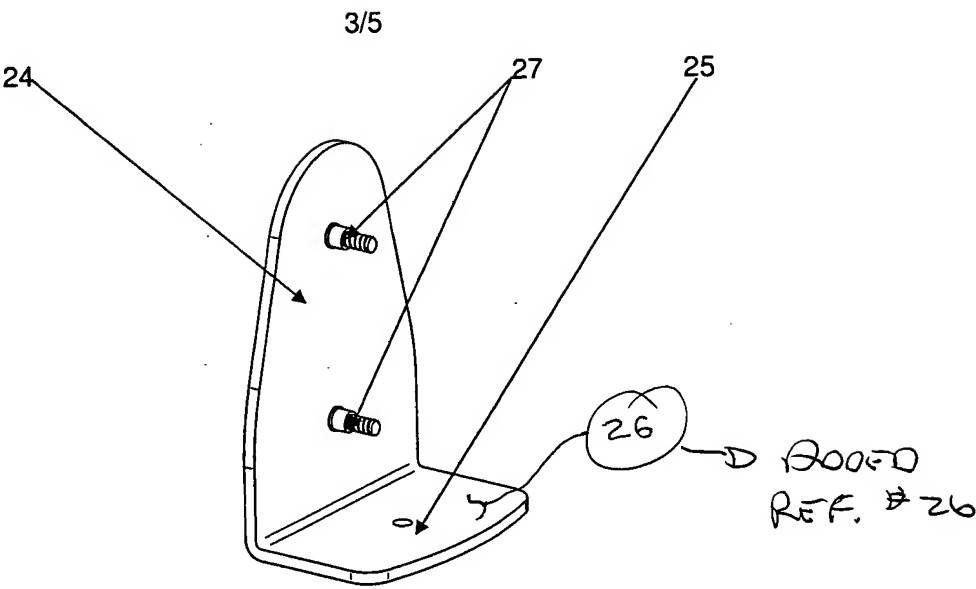


FIG 5

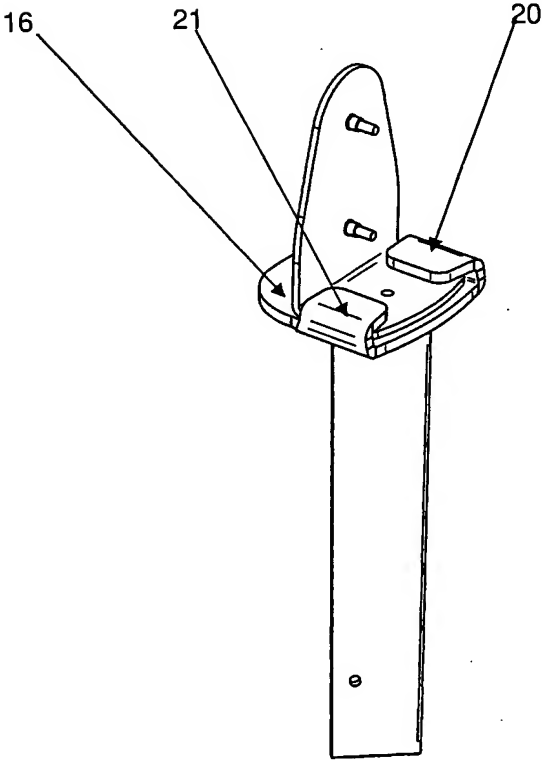


FIG 6

4/5

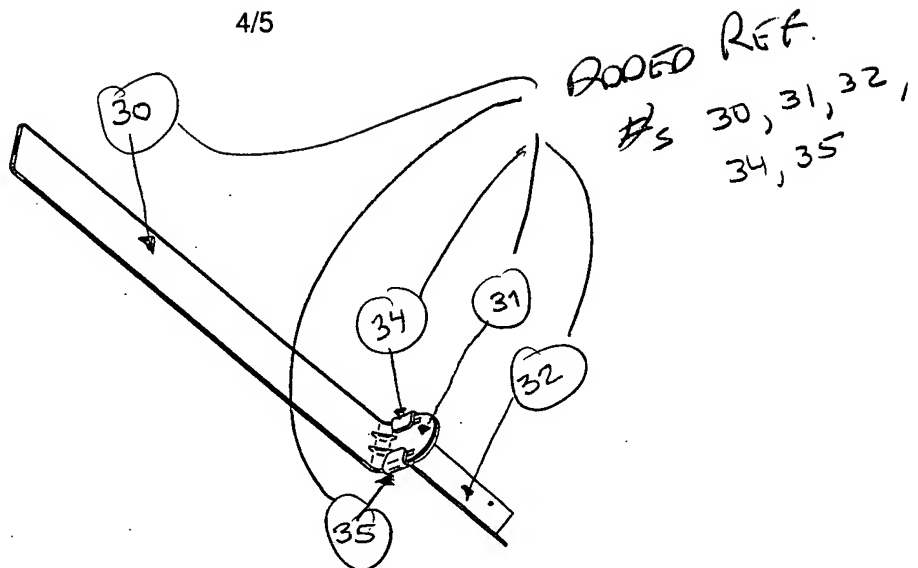


FIG 7

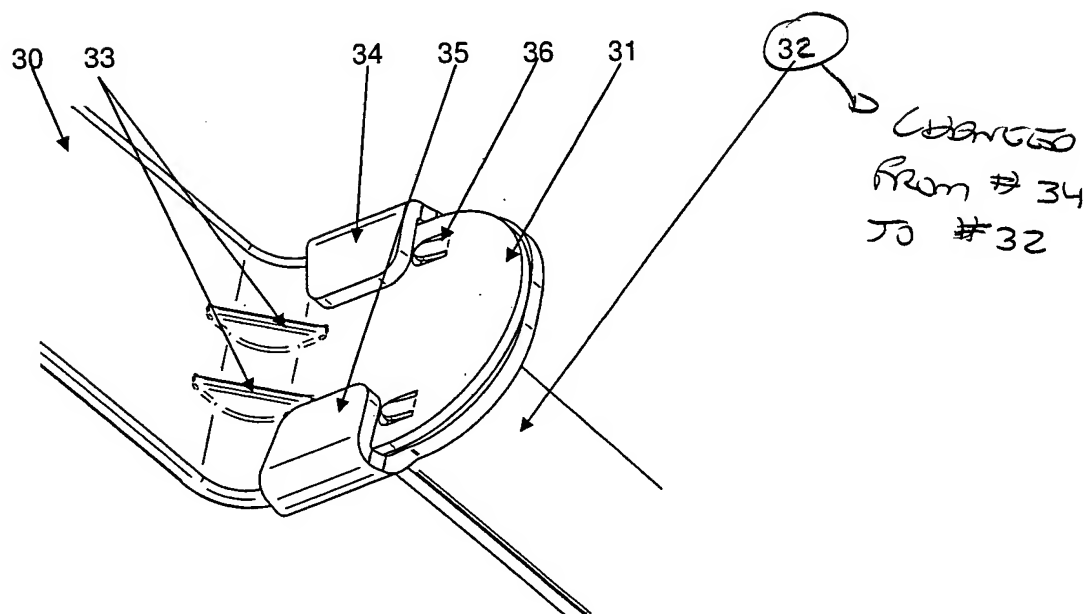


FIG 8

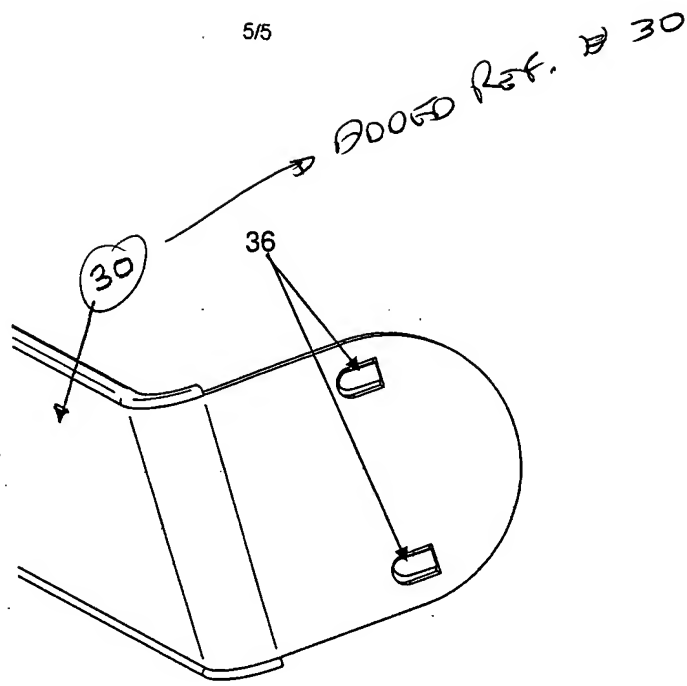


FIG 9

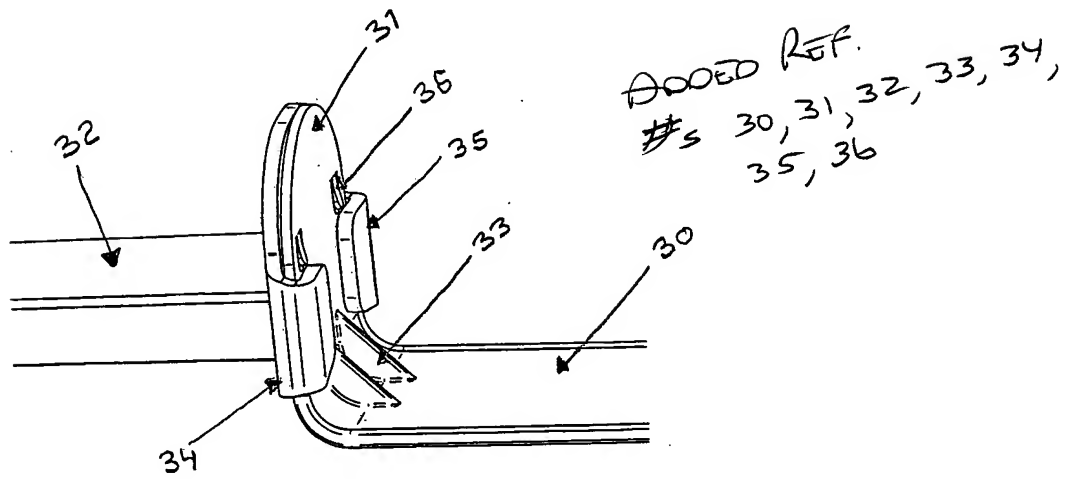


FIG 10